

**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BAKER ACT /INVOLUNTARY OUTPATIENT PLACEMENT  
SUBCOMMITTEE MEETING  
DECEMBER 9, 2005**

The Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee of the Mayor's Mental Health Task Force (MMHTF) met at the Rhode State Building, 401 NW 2<sup>nd</sup> Avenue, N-423, Miami, Florida 33128 at 10:23 a.m. on December 9, 2005, there being present Co-Chair Silvia Quintana, Substance Abuse & Mental Health Program Supervisor, District 11 – Florida Department of Children and Families and Co-Chair Honorable Maria Korvick, Administrative Judge of the Probate Division, 11<sup>th</sup> Judicial Circuit of Florida; (Co-Chair Representative Rene Garcia was absent); and members Honorable Lewis Kimler, Magistrate, Labor Act of the Courts; Anders Madsen, Esq., Administrative Office of the Court; Ms. Deborah Dummitt, Adult Mental Health Manager, Department of Children and Families (DCF); Ms. Jennifer Holtz, Licensed Mental Health Supervisor, Substance Abuse and Mental Health Program; Mr. Tom Ogazon, Jackson Memorial Hospital; Assistant Public Defender Hugh Keough; Assistant State Attorney Lourdes Roberts; Mr. Joseph George, Jr., Substance Abuse and Mental Health Corporation Florida; Mr. Tim Coffey, Assistant Mental Health Project Coordinator, 11<sup>th</sup> Judicial Circuit Criminal Mental Health Project; Ms. Joanna Cardwell, Adult Mental Health Coordinator, (DCF); Ms. Yamile Diaz, DCF; Mr. Jose Cio, Miami Behavioral; Ms. Carmen Gomez; Ms. Jennifer Morgan, Community Participant; Ms. Carmen Cantero, Citrus Health Network; Ms. Maricela Jimenez-Rivero, Citrus Health Network, Outpatient Services Administrator; Ms. Orissa Russ, Clerk of Courts; Mr. Mark Martinez, Clerk of Courts; Mr. Roland Berthold, Quality Assurance Specialist, DCF; Ms. Teresa Thompson, South Florida Providers; Ms. Andrea Paler, Jackson North Community Mental Health Center; Mr. Juan De Los Santos, Mercy Hospital; Ms. Hilda Rodriguez, Mercy Hospital; Ms. Pat Cawley, Clinical Director, Camillus House; Ms. Mireya Mayor, Westchester/Southern Winds Hospital; Ms. Marta Alamo, Director, Case Management, Westchester/Southern Winds Hospital; Ms. Claire Villati, Social Work Case Manager, Westchester General Hospital; Ms. Sandra Sorrentino, Division Director, Bayview Center; Mr. Kale Baker, Division Director, Bayview Center; Ms. Portia Newbold, Assessments and Admissions Coordinator, New Horizons Community Mental Center; Miami-Dade County Commissioner Natacha Seijas, District 13; Mr. Kevin McDonald, Intake Coordinator/Case Manager, Parkway Hospital; Ms. Dawn Knowles-Forbes, Northshore Medical Center; Ms. Diana Salinas, Jackson Memorial Hospital; Ms. Kathleen Melo, Southern Winds Hospital; Ms. Rachel Diaz, Families of Untreated Mentally Ill Persons; Ms. Sheila Siddiqui, Miami-Dade Department of Corrections; Ms. Maria Robau, Project Manager, Mayor's Mental Health Task Force; Ms. Valda Clark Christian, Miami-Dade County Attorney's Office and Deputy Clerk Judy Marsh.

Also present were Mr. Nelson Diaz, Clerk of the Board's Office and Mr. John Kowall, Volunteer Mental Health Advocate.

## **1. Welcome and Introductions**

The Task Force members and other participants at today's Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee introduced themselves.

## **2. Review of Purpose for the District IOP Workgroup – establish District Policies and Procedures for the Implementation of IOP**

Ms. Quintana called the Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee meeting to order at 10:23 a.m. She advised that today's meeting comprised members of the Department of Children and Families' IOP Workgroup and members of the Mayor's Mental Health Task Force (MMHTF) Baker Act Subcommittee. Ms. Quintana noted Honorable Maria Korvick, Representative Rene Garcia and herself were the co-chairs of this Subcommittee. She acknowledged the presence of Miami-Dade County Commissioner Natacha Seijas, District 13. Ms. Quintana noted recommendations regarding implementation of the Involuntary Outpatient Placement (The Baker Act Reform Bill) would be presented by representatives of the Criteria/Target Workgroup, the Legal Issues/Guardian Advocate Workgroup and the Provider/Resource Workgroup.

Judge Korvick pointed out that funding was provided for implementation of Kendra's Law upon its passage in New York, however, the Florida Legislature did not provide any funding for the Baker Act Reform.

## **3. Reports & Written Recommendations from Workgroup Subcommittees:**

### **Criteria/Target Group Subcommittee – Cindy Schwartz**

Ms. Maricela Jimenez, representing Ms. Cindy Schwartz, Criteria/Target Workgroup, presented the Workgroup's recommendation regarding the Involuntary Outpatient Placement (IOP) legislation (The Baker Act Reform Bill). She noted the Workgroup agreed that the IOP should be utilized for individuals who were frequently hospitalized and/or incarcerated. Ms. Jimenez said these individuals would be high recidivists to inpatient Crisis Stabilization Unit (CSU) hospitalization and state hospitalization and/or jail because of non-compliance with treatment and were the most difficult to serve within the existing mental health system. She noted it was the Workgroup's recommendation that individuals who met the criteria for IOP have access to all necessary treatment interventions and services upon discharge that were identified by an individualized treatment-planning process and that individuals were engaged by community-based treatment teams before release from CSU/hospital to ensure successful transition to the community.

Ms. Deborah Dummitt requested that the State Attorney's Office review the recommendations of the Criteria Workgroup.

#### **Legal Issues/Guardian Advocate Subcommittee – Diana Salinas**

Ms. Diana Salinas, Jackson Memorial Hospital, presented the report/recommendations of the Legal Issues/Guardian Advocate Workgroup regarding the impact of the new Involuntary Outpatient Placement (IOP) legislation (The Baker Act Reform Bill) on the judiciary and legal process. She noted the legislation expanded the role of guardian advocates in the involuntary outpatient setting which resulted in a shortage of attorneys to serve as guardian advocates. The guardian advocates, Ms. Salinas noted, cited liability issues, increased danger to themselves due to closer and longer term involvement with patients outside of the hospital setting.

Judge Korvick said family members rarely attended Baker Act proceedings and many mentally challenged individuals relocated to Miami-Dade County because they were seeking the anonymity of the big cities.

Ms. Salinas said efforts to recruit guardian advocates through nursing programs and law schools proved futile due to potential liability.

Judge Korvick noted under the new legislation, the guardian advocates had no way of knowing whether the person was taking his/her medication or was dangerous.

Responding to Ms. Quintana, Judge Kimler said the training course tape for the guardian advocates was completed, however, no-one requested training.

In response to Commissioner Seijas' inquiry whether there would be more advocates should the liability issue be addressed, Judge Kimler said individuals serving as outpatient guardian advocate would be subjected to potential harm. He noted the liability issues were astronomical.

Judge Korvick noted individuals currently serving as inpatient guardian advocates related incidents of having been hurt by mentally challenged individuals.

Discussion ensued among the Subcommittee members and participants at today's meeting regarding the liability concerns for individuals who would be serving as outpatient guardian advocates.

Commissioner Seijas offered to present language revisions proposed by the Subcommittee relating to the potential liability concerns of individuals serving as involuntary outpatient guardian advocates and the funding issues relating to the IOP legislation to the appropriate County Commission committee for review and inclusion in the Commission's 2006 State Legislative Package.

Ms. Quintana requested that the Legal Issues/Guardian Advocate Workgroup develop appropriate language relating to the potential liability concerns of individuals serving as involuntary outpatient guardian advocates and the funding issues relating to the IOP legislation. She asked that the proposed language be forwarded to Commissioner Seijas and the Department of Children and Families.

Mr. Joseph George suggested that the proposed language be placed under the Guardian Advocate section.

Ms. Rachel Diaz, representing Families of Untreated Mentally Ill Persons, suggested that the Subcommittee look at how the liability issue was addressed in other states.

Ms. Quintana said the Subcommittee would be looking at efforts being undertaken in other cities to facilitate implementation of the new law.

Further discussion ensued regarding potential danger to guardian advocates while administering outpatient treatment.

Judge Korvick said more individuals would be willing to serve as guardian advocates if they were sent as teams to administer outpatient treatment and Ms. Quintana suggested universal precautions be included in the guardian advocate training.

Ms. Deborah Dummitt said it was not always possible to obtain a medical disclosure on a mentally challenged individual, and everyone had to be treated with universal precautions. Responding to Mr. Madsen's suggestion, she noted including a law enforcement escort for guardian advocates might be an extremely costly situation.

Mr. Kevin McDonald said he worked in a hospital in New York State where mobile treatment, funded from Kendra's Law, was conducted. He noted up to three monthly home visits were paid for by New York State Medicaid.

Responding to Mr. George's comments, Assistant Public Defender Hugh Keough said the Public Defender's Office would not agree to the abolishment of the guardian advocate system.

In response to Mr. Tim Coffey's comments that the economic issues regarding implementation of the IOP legislation also needed to be addressed, Judge Kimler said the Legislature was apprised of these issues before adoption of the legislation.

Judge Korvick advised that a study was conducted by the Judicial Administration in Tallahassee regarding the cost of implementing the IOP legislation in the court system. She suggested that funding be allocated to the receiving facilities to provide outpatient treatment.

Mr. John Kowall, volunteer mental health advocate, suggested the Subcommittee access information regarding the implementation of the IOP legislation in other states.

Ms. Dummitt recommended that Ms. Diane Salinas meet with Ms. Darlene Adams, Jackson Memorial Hospital, regarding training on universal precautions and that Mr. Madsen be provided with this information. She also recommended that Mr. Tim Coffey chair a finance sub-committee.

Ms. Dummitt clarified there were community mental health centers through the Department of Children and Families that would provide follow-up treatment to individuals, however, there were some mentally challenged individuals who refused treatment. She noted the IOP legislation was an unfunded mandate.

Responding to a question from Ms. Carmen Cantero, Citrus Health Network (CHN), Ms. Dummitt said training for guardian advocates would be discussed at the January 13, 2006 Baker/Act Guardian Advocate meeting.

Judge Korvick suggested an addendum to the guardian advocate training be prepared.

#### **Provider/Resource Subcommittee**

Ms. Carmen Cantero, Citrus Health Network, summarized the recommendations of the Provider/Resource Workgroup regarding administering involuntary outpatient services to the mentally challenged population. She noted the Workgroup's recommendations included a low-demand approach within the more comprehensive Recovery Model be used to provide services for the mentally challenged population; initial medical services for involuntarily committed clients would be a physical examination; the development of teams in each Community Mental Health Centers that would involve case managers, physicians and peer counselors working from a small residential facility.

In response to Ms. Quintana, Ms. Hilda Rodriguez, Mercy Hospital, noted the Workgroup had discussed empowering mentally challenged individuals by changing the way they felt about mental illness.

Following discussion between the Subcommittee members and participants at today's meeting, Ms. Quintana requested that the Provider/Resource Workgroup develop legislative recommendations relating to a referral system through the courts that recommended a low-demand recovery model.

Ms. Rachel Diaz, representing Families of Untreated Mentally Ill Persons, said the community lacked understanding of mental illness. She pointed out that mentally challenged individuals could recover if given the appropriate medication.

Ms. Kathy Melo, Southern Winds Hospital, said it was difficult for mentally challenged patients to comply with treatment when historically they were non-compliant.

Mr. John Kowall, volunteer mental health advocate, noted whether treatment was mandated or expedited through education, mentally challenged individuals were responsible for taking their medication.

#### **4. Discussion and Recommendations**

Ms. Quintana recapped the following recommendations discussed at today's Subcommittee meeting as follows:

Mr. Tim Coffey, in conjunction with Mr. Anders Madsen, would research the financial impact of the Involuntary Outpatient Placement (IOP) law on the Public Defender's Office, the State Attorney's Office, the Courts and the Guardian Advocate issues.

The Provider/Resource Workgroup would prepare for the Subcommittee's review, recommendations for language changes and a recovery model approach for the mentally challenged population.

Ms. Diana Salinas would research the universal precautions training and Ms. Carmen Cantero would explore safety training so that it could be added to the Guardian Advocates of the Court.

Ms. Cantero would look at a curriculum of de-escalation techniques that could be utilized to deal with people who were becoming aggressive and the precautions for infectious disease.

Ms. Cantero indicated that a written recommendation regarding the outpatient treatment recovery model would be submitted to the Subcommittee.

Judge Korvick requested that Ms. Cantero include numbers with her proposals. She noted the Legislature might wish to look at the cost involved in going one route versus going the other route, or perhaps emphasizing one model and using the other model as a backup.

Mr. Joseph George offered to work with Miami-Dade County Commissioner Natacha Seijas and her staff to develop an immunity component for the volunteers. Ms. Quintana asked that Mr. George forward any recommendations that were developed to the Department of Children and Families.

Ms. Quintana noted the legislative session would soon begin and the group needed to expedite any recommendations for legislative changes, in order to provide Commissioner Seijas with these changes. She suggested the Subcommittee consider all the financial

impacts and also consider the recovery model method and send their recommendations to Tallahassee.

Mr. George referred to an Interagency Agreement between the Florida Department of Corrections and the Florida Department of Children and Families' Mental Health Program Office, regarding adequate continuity of mental health care for inmates with mental health needs as they reenter the community from state correctional institutions.

Ms. Quintana said at the next Committee meeting, the recommendations included within the Agreement would be reviewed and adopted.

## **5. Next Meeting**

Ms. Dummitt recommended that on January 13, 2006, from 9:00 a.m to 10:00 a.m. the Baker Act Guardian Funding Meeting be held, and from 10:00 a.m. to 12:00 noon the Baker Act Subcommittee be held.

## **Adjournment**

There being no further business to come before the Baker Act Subcommittee, the meeting was adjourned at 11:52 a.m.

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Ms. Sylvia Quintana, Co-Chair  
Baker Act/IOP Subcommittee  
Mayor's Mental Health Task Force